

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITES STATES OF AMERICA,

Plaintiff,

vs.

LATONIA SMITH,

Defendant.

Case No. 2:19-cr-00304-RFB-VCF

JUDGE RICHARD F. BOULWARE'S

ORDER REGARDING TRIAL

1. Attached hereto is a list of the civil and criminal cases that are presently scheduled for the stacked trial calendar before the Honorable Richard F. Boulware, II, U. S. District Judge, at Las Vegas, Nevada, commencing on **Thursday, April 22, 2021 at 9:00 a.m., in Courtroom 4B.**

2. Counsel for all parties and all *pro se* parties shall appear by videoconference on **Wednesday, April 14, 2021, at 1:30 p.m.,** for Calendar Call. Unless a party in a civil case is appearing *pro se*, the individual parties will not be required to appear for Calendar Call unless the Court directs otherwise. Defendants in criminal cases will be required to appear for Calendar Call unless the Court directs otherwise.

3. Counsel for all parties and *pro se* parties shall appear by videoconference on **Friday, April 16, 2021 at 9:00 a.m.** for Status Conference. Unless a party in a civil case is appearing *pro se*, the individual parties will not be required to appear for Calendar Call unless the Court directs otherwise. Defendants in criminal cases will be required to appear for the Status Conference unless the Court directs otherwise.

4. Counsel or their clients will be excused from Calendar Call if settlement papers have been filed in a civil case or a defendant's plea of guilty or *nolo contendere* has been accepted in a criminal case prior to the date scheduled for Calendar Call.

5. At the Calendar Call, all cases that remain to be tried will be ranked in order of trial. Thereafter, the Court will not grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs, the cases will be tried one after the other on **SEVENTY-TWO (72) HOURS'** notice from the clerk.

6. **CHANGE OF PLEA HEARINGS.** Hearings for the purpose of **change of plea** in criminal cases **will follow Calendar Call unless otherwise set.** It shall be the joint responsibility of counsel for Plaintiff United States and for Defendant to ensure that a copy of the plea agreement is delivered to the courtroom administrator, and a copy via email to "RFB_Chambers@nvd.uscourts.gov" or faxed to chambers at (702) 868-4971, **no later than 12:00 p.m., on April 14, 2021.** It shall further be the responsibility of counsel for Plaintiff United States to ensure that any necessary orders are timely delivered to the United States Marshal to ensure the presence of all defendants who are in custody for change of plea, and to ensure proper notification for the attendance of any court interpreter who may be required for the particular case.

7. **PRETRIAL CONFERENCE.** At the request of any party, or at the direction of the Court, a Pretrial Conference may be scheduled for any case. Requests by the parties should be made to the Courtroom Administrator by no later than two weeks before Calendar Call.

8. **WITNESSES.** Counsel, and any parties appearing *pro se*, shall immediately subpoena all witnesses for the time and trial date as listed above. Inasmuch as the cases will be tried in a trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses to contact the **office of counsel** for further instructions prior to appearing for trial. Witnesses are not required to be present at the Calendar Call.

9. **On or before Wednesday, April 14, 2021 by 9:00 a.m.,** as otherwise noted, and to the extent they have not already done so in accordance with the Court's Joint Pretrial Order, or other order, COUNSEL FOR ALL PARTIES, AND ANY PARTY APPEARING *PRO SE*, SHALL COMPLY WITH THE FOLLOWING:

- a. **STIPULATIONS FOR CONTINUANCE OF TRIAL DATE.** Shall file with the Clerk of Court all stipulations for continuance of trial date. Stipulations shall conform with the requirements of LR 6-1 and LR 7-1, or LCR 45-1 and LCR 45-4, as appropriate.
- b. **MOTIONS IN LIMINE.** In criminal cases, shall file the original of all motions *in limine* on **April 12, 2021**. As Calendar Call is held on a April 14, 2021, then Response(s) shall be due not later than **9:00 a.m., on April 14, 2021**. Replies will be allowed only with leave of the Court. In civil cases, shall file the original of all motions *in limine* and oppositions thereto with the Clerk of Court as prescribed in Local Rule 16-3.
- c. **STATEMENT OF THE CASE.** Shall file with the Clerk of Court a brief statement of the case, no longer than one-half page, stating the nature of the claims and defenses, to be read to prospective jurors at the time of jury selection. In a criminal case, a copy of the Indictment, indicating which portions should be read to the jury, will satisfy this requirement.
- d. **SUGGESTED VOIR DIRE QUESTIONS:** Shall file with the Clerk of Court on **April 14, 2021 by 9:00 a.m.,** all suggested voir dire questions to be asked of the jury panel by the Court.
- e. **WITNESS LISTS.** Shall file with the Clerk of Court on **April 14, 2021 by 9:00 a.m.,** the original list of witnesses expected to be called on behalf of each party for use by the Court during jury selection.
- f. **EXHIBIT LISTS.** Shall file with the Clerk of Court on **April 14, 2021 by 9:00 a.m.,** the original complete exhibit list of all exhibits intended to be used during the trial. At the same time, each party shall serve upon all other parties a copy of the same. The exhibits are to be listed on a form provided by the Clerk's Office, or obtained from the

Court's website www.nvd.uscourts.gov and may be computer-generated if they conform to the requirements of the form that is provided by the clerk.

g. **MARKING EXHIBITS.** Shall meet, confer, pre-mark and exchange all trial exhibits. Plaintiffs shall use numerals 1 through 500 and Defendants shall use numerals 501 through 1,000. Exhibits that are on the same subject matter may be marked as a series, that is, Plaintiffs 1-A, 1-B, etc. and Defendants 501-A, 501-B, etc. Counsel shall notify the Courtroom Administrator that the exhibits have been pre-marked.

h. **EXHIBITS.** Exhibits are due on **April 14, 2021 by 9:00 a.m.** If a party's total documentary exhibits exceed 15 pages; the party's exhibits are to be placed in a 3-ring binder with numbered dividers (for witnesses only). The binder shall be clearly marked on the front and side with the case caption and number and the sequence of exhibits. On the **April 14, 2021 by 9:00 a.m.** counsel shall provide the Courtroom Administrator with the binder containing the original exhibits and a courtesy DVD/Cd or a USB uploaded with the exhibits in **individual pdf format** for the trial judge. The exhibits shall remain in the custody of the clerk unless otherwise ordered.

i. **JURY INSTRUCTIONS.** Shall jointly file with the Clerk of Court one original set of agreed upon jury instructions and proposed verdict forms, due the Thursday before Calendar Call. A copy of the agreed upon jury instructions and verdict forms shall also be submitted in **Word** format to chambers by email to **["RFB_Chambers@nvd.uscourts.gov"](mailto:RFB_Chambers@nvd.uscourts.gov)**. The parties shall submit additional proposed jury instructions and verdict forms in **Word** format to chambers by email at the same email address. The latter must include the authority and argument for each instruction. Any modifications of instructions from statutory authority, the Ninth Circuit Manual of Model Jury Instructions, or any other model instructions, must specifically state the

modification made to the original source and the authority and argument supporting the modification. In **criminal cases**, the parties may file separate jury instructions if they cannot agree upon a joint set of jury instructions. These separate set of instructions must also be filed by **April 14, 2021 by 9:00 a.m.**

j. **CIVIL CASES: TRIAL BRIEFS AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.** Each party shall file with the Clerk of Court a Trial Brief in all civil cases. This brief will outline the respective party's position for trial and identify any potential legal issues that it anticipates may arise. With leave of the Court, a party may file its trial brief under seal. Additionally, in all civil cases to be tried before the Court sitting without a jury, the parties shall file proposed Findings of Fact and Conclusions of Law. The proposed Findings and Conclusions shall also be submitted to chambers by email to "RFB_Chambers@nvd.uscourts.gov" in **Word** format.

k. **CRIMINAL CASES: TRIAL BRIEFS.** The Government counsel shall submit a copy of the Government's trial brief (**marked confidential**) by **9:00 a.m., on April 14, 2021** to the Courtroom Administrator for submission to the trial judge. The original of the Government's trial brief shall be filed in open Court and a copy served by 9 a.m., on the first day of trial upon defense counsel. Defense counsel may file a trial brief. If defense counsel elects to file a trial brief, the same shall be filed and served upon Government counsel prior to the defense commencing its side of the case.

10. **TRIAL SCHEDULE.** Trial will generally begin at 9:00 a.m., and end at 3:30 p.m. The first week of trial will be held from Thursday through Friday. However, parties should plan to be available between 8:00 a.m., and 9:00 a.m., in the morning and between 3:30 and 4:30 p.m., in the afternoon each day of trial to address matters outside the presence of the jury.

This standard trial schedule may be modified for good cause; however, requests should be submitted at Calendar Call or before the written trial schedule is issued to jurors.

11. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Counsel wishing to use the Court's evidence display equipment should contact the Courtroom Administrator during the week before trial for training or instruction and availability for use at trial.

12. **EXPEDITED OR DAILY TRANSCRIPTS.** Any party that will required expedited or daily transcripts shall notify *Patty Ganci, Court Reporter via email* at pattyganci@nvd.uscourts.gov immediately upon receipt of this order. The court reporter will provide instructions with respect to expedited or daily transcripts. Failure to timely notify the court reporter may result in an inability to provide expedited or daily transcripts.

13. **SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the Court will consider the imposition of sanctions against any attorney or party appearing *pro se* who (1) fails to timely comply with the provisions of this Order including, but not limited to, the failure to appear for Calendar Call without having been excused by the Court or the clerk with the permission of the Court; or (2) fails to timely comply with any other order that schedules deadlines for trial preparation.

14. **TRIAL JUDGE.** Although the cases listed on the attached trial calendar are assigned to the undersigned, the cases may proceed to trial before another Nevada district judge or a visiting district judge.

15. **CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE.** All parties in civil actions are reminded of their right, subject to the approval of the undersigned, to consent to trial before a United States Magistrate Judge pursuant to Title 28, United States Code, Section 636(c)(2). The right to proceed before a magistrate judge in a civil case includes those cases which

will be tried before a jury as well as those cases to be tried before the Court sitting without a jury. Any appeal from a judgment resulting in a trial before a magistrate judge shall be taken directly to the United States Court of Appeals.

16. **CONTACT PERSON.** All questions and information regarding the trial calendar are to be directed to Blanca Lenzi, Courtroom Administrator at (702) 464-5470 or email at blanca_lenzi@nvd.uscourts.gov.

17. The date of the Clerk's file mark shall constitute the date of this Order.

IT IS SO ORDERED.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 1st day of April, 2021.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA
COURTROOM 4B
THURSDAY, APRIL 22, 2021

PRESENT:

THE HONORABLE RICHARD F. BOULWARE, II, U.S. DISTRICT JUDGE

Blanca Lenzi
Courtroom Administrator

Law Clerk(s)

Patty Ganci
Reporter/Recorder

9:00 A.M.

2:18-cr-00304-RFB-VCF

UNITED STATES OF AMERICA
v.

JURY TRIAL

LATONIA SMITH

COUNSEL FOR GOVERNMENT:

Steven Myhre, AUSA
Daniel Clarkson, AUSA

COUNSEL FOR DEFENDANT:

Telia Williams, CJA
Gwynne Dumbrigue, Esq.